

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

211

**CRM-M-26406-2020
Decided on : 21.12.2020**

Gayyur @ Ballu

. . . Petitioner

Versus

State of Haryana

. . . Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

PRESENT: Mr. Vikram Singh , Advocate
for the petitioner.

Mr. Arun Beniwal, DAG, Haryana
assisted by ASI Nirmal Singh.

MANJARI NEHRU KAUL, J. (Oral)

This is the second petition filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 429, dated 04.08.2018, under Sections 376, 452, 384, 365, 328, 506 and 120-B of the Indian Penal Code 1860, registered at Police Station City Yamuna Nagar, District Yamuna Nagar.

Learned counsel for the petitioner has submitted that a totally false and fabricated FIR has been registered against the petitioner by the prosecutrix at the behest of her family members. It has been submitted that a perusal of the FIR in question clearly reveals that the prosecutrix had in fact accompanied the petitioner along with her child of her own accord and thereafter traveled with him to various places for almost one and a half month without as much as even raising any alarm with respect to her having

been allegedly kidnapped by the petitioner. Learned counsel for the petitioner has further submitted that the petitioner along with the prosecutrix had performed *Nikah* and also filed a petition for protection of their life and liberty before the Allahabad High Court, which further lends credence to his false implication in the case in hand on the basis of a concocted version.

Learned counsel for the petitioner has invited the attention of this Court to the testimony of the prosecutrix before the trial Court, when she stepped into the witness-box as PW-4, wherein, she had come up with self-contradictory statements with respect to her acquaintance with the petitioner and the offence in question, which further created a serious dent in the case of the prosecution. Learned counsel for the petitioner has thus prayed for concession of regular bail as the petitioner has been in custody since 15.10.2018 and only 10 out of total 17 prosecution witnesses cited, have been examined so far and there is no likelihood of the trial concluding anytime in the near future.

Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions from ASI Nirmal Singh, has submitted that the next date of hearing before the learned trial Court is 18.01.2021, for prosecution evidence.

Heard.

In view of the submissions made by learned counsel for the parties, I deem it a fit case for grant of the concession of regular bail to the petitioner, as the trial is unlikely to conclude in the near future, more so, in the prevailing conditions due to the outbreak of COVID-19. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of

trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed as an expression of opinion on the merits of the case.

**(MANJARI NEHRU KAUL)
JUDGE**

December 21, 2020

J.Ram/S.Sharma

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No